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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,245	10/17/2003	Michiko Mizoguchi	FUJR 20.683	2482
26304 7590 05/13/2008 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585				
EXAMINER				
RAO, ANAND SHASHIKANT				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
05/13/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/688,245

Applicant(s)

MIZOGUCHI, MICHIO

Examiner

Andy S. Rao

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/25/08 has been entered.
2. Applicant's arguments filed on 2/25/08 with respect to claims 1-7 (amended) have been fully considered but they are not persuasive.
3. Claims 1-7 (amended) remain rejected under 35 U.S.C. 102(b) as being anticipated by Aharoni et al., (hereinafter referred to as "Aharoni").
4. After summarizing the current stage of prosecution (RCE of 2/25/08: page 5, lines 1-10), and providing Applicant's interpretation of the primary reference (RCE of 2/25/08: page 5, lines 11-24; page 6, lines 1-4), the Applicant argues that Aharoni fails to address "...timings for starting compression/encoding processes in the compression/encoding sections being shifted from one another..." as in the claims (RCE of 2/25/08: page 6, lines 5-34; page 7, lines 1-5). However, after a further scrutiny of the Aharoni reference, the Examiner must respectfully disagree. While packetization allows for controlling the timing and compression and encoding, the use of frame skipping would be selective based on determined bit rate and applied only if spatial quality resolution processing isn't enough (Aharoni: column 6, lines 65-67; column 7, lines 1-16). Therefore multiple GOPs of the same sequences would be generated prior to the packetization, and does not always implement frame skipping. Additionally, when in a multi-

server configuration (Aharoni: column 7, lines 50-60), each server would code its respective version of the video signal independently of the other (i.e. with shifted timings) from one another (Aharoni: column 18, lines 50-65). Accordingly, the Examiner maintains that the multi-server configuration in Aharoni still reads upon the limitation.

A detailed rejection follows.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7 (amended) are rejected under 35 U.S.C. 102(b) as being anticipated by Aharoni et al., (hereinafter referred to as “Aharoni”).

Aharoni discloses data transmission device (Aharoni: figures 1 and 15) for generating a plurality of compressed/encoded data of different bit rates from a single video signal (Aharoni: column 10, lines 50-65) and simultaneously transmitting the compressed/encoded data onto a network (Aharoni: column 18, lines 1-25), comprising: a synchronizing signal detection section for detecting a synchronizing signal from the video signal input thereto (Aharoni: column 12, lines 55-67); a plurality of compressing/encoding sections (Aharoni: column 18, lines 25-35) for compressing/encoding the video signal to generate data streams of different bit rates, respectively (Aharoni: column 11, lines 1-15), wherein the compressing/encoding sections generate data streams having the same sequence of picture types (Aharoni: column 6, lines 65-

67; column 7, lines 1-16); a timing control section for controlling said compressing/encoding sections in accordance with the detected synchronizing signal such that timings for starting compression/encoding processes in said compressing/encoding sections are shifted (Aharoni: column 18, lines 55-65) from one another in units of frame (Aharoni: column 13, lines 1-10); and a multiplexing section for sequentially multiplexing the data streams generated respectively by said compressing/encoding sections and transmitting the multiplexed data onto the network (Aharoni: column 8, lines 10-25), as in claim 1.

Regarding claim 2, Aharoni discloses wherein the input video signal comprises an NTSC composite signal, and said synchronizing signal detection section detects a vertical synchronizing signal and a color synchronizing signal from the NTSC composite signal (Aharoni: column 8, lines 45-55), as in the claims.

Regarding claims 4-5, Aharoni discloses wherein said multiplexing section generates fragmented packets carrying the individual data streams in accordance with amounts of data generated per unit time by said compressing/encoding sections, respectively, and transmits the fragmented packets at equal intervals within the unit time (Aharoni: column 12, lines 45-67), as in the claims.

Regarding claim 6, Aharoni discloses wherein said reference amount can be set to a desired value (Aharoni: column 13, lines 50-67; column 14, lines 1-11), as in the claim.

Aharoni discloses data transmission method (Aharoni: figures 11.1, 11.2, 12.1, 12.2, 13-14) for generating a plurality of data streams of different bit rates (Aharoni: column 10, lines 50-65) by compressing/encoding a single video signal such that data streams generated by compression/encoding having the same sequences of picture types (Aharoni: column 6, lines 65-

67; column 7, lines 1-16) and for simultaneously transmitting the data streams onto a network (Aharoni: column 18, lines 1-25), comprising the steps of: detecting a synchronizing signal from the input video signal (Aharoni: column 12, lines 55-67); shifting start timings (Aharoni: column 18, lines 55-65) for compression/encoding processes corresponding to the generation of the respective data streams from one another in units of frame in accordance with the detected synchronizing signal (Aharoni: column 13, lines 1-10); and generating fragmented packets carrying the individual data streams in accordance with amounts of data generated per unit time by the respective compression/ encoding processes (Aharoni: column 12, lines 45-67), and transmitting the fragmented packets onto the network at equal intervals within the unit time (Aharoni: column 8, lines 10-25), as in claim 7.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (571)-272-7337. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andy S. Rao
Primary Examiner
Art Unit 2621

asr
/Andy S. Rao/
Primary Examiner, Art Unit 2621
May 9, 2008